

Senate Study Bill 1122 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

1 An Act relating to radon control and making penalties
2 applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 103A.8D Residential construction
2 requirements and standards for radon control.

3 The state building code commissioner shall adopt as a part of
4 the state building code construction requirements and standards
5 for radon control in new residential construction. The
6 requirements and standards adopted by the commissioner shall
7 be based upon the radon control method requirements of the
8 international residential code published by the international
9 code council, 2009 edition, appendix F. Notwithstanding
10 any other provision of this chapter to the contrary, the
11 construction requirements and standards for radon control
12 adopted by the commissioner and approved by the council shall
13 apply to new residential construction commenced on or after
14 January 1, 2017, and shall supersede and replace any minimum
15 requirements and standards for radon control in new residential
16 construction adopted or enacted by a governmental subdivision
17 prior to that date. The state building code commissioner may
18 provide training to builders, contractors, and other interested
19 persons on the construction requirements and standards for
20 radon control in residential construction. A builder of a
21 residence for resale shall install a passive radon mitigation
22 system in the residence and shall notify the buyer of the
23 residence that radon testing can be obtained for the residence.
24 A builder of a residence for resale shall not represent to the
25 buyer of the residence that a passive radon mitigation system
26 will remediate the presence of radon.

27 Sec. 2. Section 103A.10, Code 2015, is amended by adding the
28 following new subsection:

29 NEW SUBSECTION. 6. Notwithstanding any other provision of
30 this chapter to the contrary, the construction requirements and
31 standards for radon control in new residential construction
32 adopted by the commissioner and approved by the council shall
33 apply to all new residential construction commenced on or after
34 January 1, 2017, and shall supersede and replace any minimum
35 requirements or standards for radon control in new residential

1 construction adopted or enacted by the governmental subdivision
2 prior to that date. A builder of a residence for resale shall
3 not be liable for any claims related to radon control standards
4 or requirements after the conveyance of the residence.

5 Sec. 3. Section 136B.1, subsections 2 and 3, Code 2015, are
6 amended to read as follows:

7 2. The department shall establish programs and adopt rules
8 for the certification of persons who test for the presence of
9 radon gas and ~~radon progeny~~ in buildings, the credentialing of
10 persons abating the level of radon in buildings, and standards
11 for radon abatement systems.

12 3. Following the establishment of the certification
13 and credentialing programs by the department, a person who
14 is not certified, as appropriate, shall not test for the
15 presence of radon gas and ~~radon progeny~~, and a person who is
16 not credentialed, as required, shall not perform abatement
17 measures. This section does not apply to a person performing
18 the testing or abatement on a building which the person
19 owns, or to a person performing testing or abatement without
20 compensation.

21 Sec. 4. Section 136B.2, subsection 1, paragraph b, Code
22 2015, is amended to read as follows:

23 *b.* A person shall not disclose to any other person, except
24 to the department, the address or owner of a nonpublic building
25 that the person tested for the presence of radon gas and ~~radon~~
26 ~~progeny~~, unless the owner of the building waives, in writing,
27 this right of confidentiality. Any test results disclosed
28 shall be results of a test performed within the five years
29 prior to the date of the disclosure.

30 Sec. 5. Section 136B.2, subsection 2, Code 2015, is amended
31 to read as follows:

32 2. *a.* Notwithstanding the requirements of this section,
33 disclosure to any person of the results of a test performed
34 on a nonpublic building for the presence of radon gas and
35 ~~radon progeny~~ is not required if the results do not exceed the

1 currently established United States environmental protection
2 agency action guidelines.

3 *b.* A person who tests a nonpublic building which the person
4 owns is not required to disclose to any person the results of
5 a test for the presence of radon gas ~~or progeny~~ if the test is
6 performed by the person who owns the nonpublic building.

7 Sec. 6. Section 136B.3, Code 2015, is amended to read as
8 follows:

9 **136B.3 Testing and reporting of radon level.**

10 The department or its duly authorized agents shall from time
11 to time perform inspections and testing of the premises of a
12 property to determine the level at which it is contaminated
13 with radon gas ~~or radon progeny~~ as a spot-check of the validity
14 of measurements or the adequacy of abatement measures performed
15 by persons certified or credentialed under section 136B.1.
16 Following testing the department shall provide the owner of
17 the property with a written report of its results including
18 the concentration of radon gas ~~or radon progeny~~ contamination
19 present, an interpretation of the results, and recommendation
20 of appropriate action. A person certified or credentialed
21 under section 136B.1 shall also be advised of the department's
22 results, discrepancies revealed by the spot-check, actions
23 required of the person, and actions the department intends to
24 take with respect to the person's continued certification or
25 credentialing.

26 Sec. 7. Section 136B.4, Code 2015, is amended to read as
27 follows:

28 **136B.4 Fees — rules.**

29 1. The department shall establish ~~a fee schedule to~~
30 ~~defray the costs of~~ and collect fees for the certification
31 and credentialing programs established pursuant to section
32 136B.1 and the testing conducted and the written reports
33 provided pursuant to section 136B.3. Fees collected pursuant
34 to this section shall be retained by the department and
35 shall be considered repayment receipts as defined in section

1 8.2 and shall be used for the purposes described in this
2 section, including but not limited to the addition of full-time
3 equivalent positions for program services and investigations.

4 2. The department shall adopt rules, pursuant to chapter
5 17A, to implement this chapter.

6 EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill requires that the building code commissioner,
10 with the approval of the building code advisory council, adopt
11 requirements and standards for radon control in new residential
12 construction. The bill provides that the standards shall
13 supersede and replace any minimum radon control requirements
14 and standards for new residential construction adopted by
15 governmental subdivisions in Iowa. The bill requires that
16 the requirements and standards be mandatory for all new
17 residential construction beginning on or after January 1, 2017.
18 The bill also includes certain installation and notification
19 requirements for builders of residences for resale and limits
20 a builder's liability following the conveyance of such a
21 residence.

22 Any person who fails to comply with an order to remedy
23 any condition in violation of the adopted requirements and
24 standards within 30 days after service or within the time
25 fixed for compliance, whichever is longer, shall be guilty of
26 a simple misdemeanor pursuant to Code section 103A.21. Any
27 owner, builder, architect, tenant, contractor, subcontractor,
28 construction superintendent or their agents, or any other
29 person taking part or assisting in the construction or use
30 of any building or structure who knowingly violates such
31 requirements and standards shall also be guilty of a simple
32 misdemeanor. A simple misdemeanor is punishable by confinement
33 for no more than 30 days or a fine of at least \$65 but not more
34 than \$625 or by both.

35 The bill strikes references to radon progeny in the Iowa

S.F. _____

1 Code.